

# Calendar No. 440

89TH CONGRESS }  
1st Session }

SENATE }

REPORT  
No. 455

## TERMS OF COURT AT WILLISTON, N. DAK.

JULY 15 (legislative day, JULY 14), 1965.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 102]

The Committee on the Judiciary, to which was referred the bill (S. 102) to provide an additional place for holding court in the district of North Dakota, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to provide that the city of Williston be an additional place for holding court in the district of North Dakota.

#### STATEMENT

An identical bill, S. 2392, of the 88th Congress, was reported favorably by the committee. All of the facts and justification for this legislation are contained in Senate Report 1391 of the 88th Congress and are as follows:

The Judicial Conference of the United States, at its meeting on March 16 and 17, 1964, voted to disapprove the legislation due to the fact that it did not have sufficient cases to justify the holding of terms of court at Williston, N. Dak.

Since that time the committee has received information from the Honorable George S. Register, the chief judge of the district of North Dakota with reference to the legislation. The chief judge supports the legislation as do the commissioners of the city of Williston and the Williston Chamber of Commerce. The chief judge in his comment states that

Williston occupies a rather unique position among the cities of the State. He points out that the Garrison Dam project will result in substantial industrialization, great economic growth, and development in that area. Oil has been discovered in the immediate vicinity of Williston and he anticipates that there will also be a substantial oil and mineral development. He further contended that the Williston area of this State has a very promising future and that the developments referred to are in the not distant future. It will mean a substantial and rapid increase in population as well as business. Representatives of the bar association called upon the chief judge urging the legislation and it is understood that a new Federal building is to be built at the site of Williston. If Williston is designated as a place for holding court in the district of North Dakota, quarters for court may be provided for in the new Federal building.

The committee, after a review of the facts surrounding this legislation, takes the view that there are adequately sufficient indications to believe that the city of Williston will be, in the very near future, such a community as would require the sitting of the U.S. district court for that district. In view of these facts the committee recommends that the bill, S. 2392, be considered favorably.

After consideration, the committee adheres to its former recommendation and again recommends that the bill, S. 102, be considered favorably.

Attached hereto and made a part hereof are the following:

(1) the report of the Administrative Office of the U.S. Courts, dated, March 26, 1964;

(2) a letter to the Honorable Quentin N. Burdick, U.S. Senator, from George S. Register, chief judge of the district of North Dakota, dated, March 9, 1964; and

(3) a letter to Senator Quentin N. Burdick, from the law firm of Bjella, Jestrab, Neff & Pippin, transmitting a resolution from the city commission of the city of Williston, and another resolution from the Williston Chamber of Commerce.

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ADMINISTRATIVE OFFICE OF THE U.S. COURTS,  
*Washington, D.C., March 26, 1964.*

Re S. 2392, to provide an additional place for holding court in the district of North Dakota.

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request of December 19, 1963, for the views of the Judicial Conference of the United States on the above bill.

I would like to inform you that at its session on March 16 and 17, the Judicial Conference voted to disapprove the proposal contained in this bill. The Conference was of the view that there is no need for

holding court at Williston because of the small percentage of cases which would be available for trial there.

Respectfully yours,

WARREN OLNEY III, *Director.*

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U.S. DISTRICT COURT FOR THE  
DISTRICT OF NORTH DAKOTA,  
*Bismarck, March 9, 1964.*

HON. QUENTIN N. BURDICK,  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR BURDICK: Last Friday, Messrs. LaVern O. Neff, Fred E. Whisenand, Jr., and Dean Winkjer, representing the Williams County Bar Association, called at my office relative to the proposed new Federal building in Williston and the possibility of having included therein a courtroom and other necessary facilities for Federal court personnel so that Federal court can be held in that city.

Some time ago, at the request of Hon. Charles J. Vogel, I had prepared and sent to him statistics showing the number of civil cases filed in this court during the past years in which counsel from Williston represented one or both parties, together with the total number of such civil cases. Doubtless you have such copy thereof or information concerning the same. These lawyers emphasized that the base statistics do not indicate the potential of the area, the fact that in the selection of counsel some litigants, especially non-residents, doubtless consider making such selection from lawyers in a city where court will be held, and the inconvenience of counsel and litigants in not being able to try cases near or at their homes.

In my opinion, Williston occupies a rather unique position among the cities of this State. Of course, you are more familiar than I with its great potential. From all available information, it appears that the Garrison project will result in substantial industrialization and great economic growth and development in that area. I believe it is also reasonable to anticipate that in future years there will be a substantial oil and mineral development. Such developments should have a great impact on Williston. I sincerely believe that that area of the State has a very promising future, that the developments referred to are not far in the future, and that they will mean a substantial and rapid increase in population, as well as in business. Therefore, I am in complete agreement with the gentlemen who called upon me and the bar association they represent in believing that in the event a new Federal building should be built in Williston, prudence and good judgment justify the expense of including in such facilities a courtroom for the use of the Federal court, offices for court personnel, library, and other facilities which would be essential to holding court therein, and I join in such recommendation.

Insofar as holding court in Williston is concerned, I have always taken the position that I am willing to try cases at any authorized place in this State at which facilities are available.

With kind personal regards, I am,

Very truly yours,

GEORGE S. REGISTER, *Chief Judge.*

BJELLA, JESTRAB, NEFF & PIPPIN,  
*July 31, 1964.*

HON. QUENTIN N. BURDICK,  
*Capitol Building, Washington, D.C.*

DEAR SENATOR BURDICK: We enclose herewith duly executed resolutions of the City Commission of the City of Williston, N. Dak., and the Chamber of Commerce of the City of Williston, both of which relate to your bill, S. 2392, and urge a favorable report on the bill by the Committee on the Judiciary.

If you find these to be in order, we would appreciate very much your bringing the resolution to the attention of Senator Eastland. If you feel that additions or changes should be made, your observations to this effect will be greatly appreciated.

Thank you again for your continual efforts on our behalf.

Very sincerely yours,

HARRY M. PIPPIN.

#### RESOLUTION

TO HON. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary:*

Whereas there has been introduced in the Senate of the United States by Hon. Quentin N. Burdick, U.S. Senator, S. 2392, which provides for an additional place for holding court in the district of North Dakota by amending section 114 of title 28, United States Code, to provide for the holding of court in the city of Williston, N. Dak., in addition to the four cities now authorized to hold court in the State of North Dakota; and

Whereas on the 23d day of July 1964, the Subcommittee on Judicial Improvements reported S. 2392 favorably; and

Whereas since the discovery of oil in the Williston Basin, the population of the city of Williston has more than doubled and continues to grow and expand; and

Whereas there are located in the city of Williston a large and continually growing number of foreign corporations involved in large part in the drilling, producing, servicing, and maintaining of oil and gas wells and related facilities; and

Whereas it is 130 miles from the city of Williston, N. Dak., to the city of Minot, N. Dak., where Federal court is now held; and

Whereas the trade territory of Williston, N. Dak., covers a radius of approximately 70 miles in all directions; and

Whereas it is an exceedingly costly and time-consuming process for the citizens of Williston, N. Dak., and its trade area to vindicate their rights in a Federal court located in the city of Minot, N. Dak.; and

Whereas it is essential to the proper administration of justice that Federal court be held in the city of Williston, N. Dak.: Now, therefore, it is hereby unanimously

*Resolved by the City Commission of the City of Williston, N. Dak.,*  
 That the city of Williston go on record in full and complete support



of Senate bill 2392 and respectfully urge its favorable report by the Committee on the Judiciary of the U.S. Senate.

Done at Williston, N. Dak., this 28th day of July 1964.

[SEAL]

BY ALEC RAWITSCHER,

*Chairman, City Commission of the City of Williston.*

Attest:

H. L. GRIMSTVEDT, *Auditor.*

### RESOLUTION

To HON. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary:*

Whereas Senator Quentin N. Burdick has introduced into the Senate of the United States, S. 2392, which provides for the holding of court in Williston, N. Dak., in addition to the four North Dakota cities that are now authorized; and

Whereas in a telegram Senator Burdick has informed us that the subcommittee reported favorably on S. 2392 during the week of July 20 through July 24; and

Whereas the city of Williston has increased in population since the discovery of oil from 5,790 in 1940 to 11,866 in 1960 and an estimated population in 1964 of over 13,000; and

Whereas there are located in the city of Williston over 50 firms that are directly involved in the drilling, producing, servicing, and maintaining of oil and gas wells and related facilities; and

Whereas the majority of these firms are branches of foreign corporations; and

Whereas the closest point from the city of Williston, N. Dak., where Federal court is held, is 130 miles; and

Whereas Williston, N. Dak., is the trading center for an area of 70 miles in all directions serving over 50,000 persons; and

Whereas Williston, N. Dak., has the greatest potential for industry development of any community in North Dakota with the present oil refinery, the Dakota Salt & Chemical Co. (a part of General Carbon & Chemical Co., of Robbins, Ill.), the abundance of water from the Missouri River and Garrison Reservoir, other minerals and the great reserves of coal; and

Whereas it is extremely inconvenient and costly to the citizens of the community and trade area to vindicate their rights in Federal court located in Minot, N. Dak.; and

Whereas it is essential to the proper administration of justice that Federal court be held in the city of Williston, N. Dak.: Now, therefore, it is hereby unanimously

*Resolved by the Board of Directors of the Williston Chamber of Commerce, Williston, N. Dak.,* That the chamber of commerce go on record for complete and full support of Senate bill 2392 and respectfully urge its favorable report by the Committee on the Judiciary of the U.S. Senate.

Done at Williston, N. Dak., this 29th day of July 1964.

[SEAL]

TONY KLEIN,

*President, Williston Chamber of Commerce.*

Attest:

CLARK JORGENSEN, *Executive Vice President.*

## CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## § 114. Title 28, United States Code

## §114. North Dakota.

North Dakota constitutes one judicial district comprising four divisions.

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(4) The Northwestern Division comprises the counties of Burke, Divide, McKenzie, Mountrail, Renville, Ward, and Williams.

Court for the Northwestern Division shall be held at Minot *and Williston*.

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